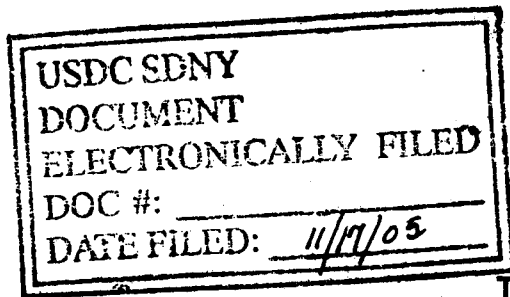


MEMO ENDORSED

NOV 17 2005

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
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November 17, 2005

BY ECF AND HAND

The Honorable Kevin Nathaniel Fox
United States Magistrate Judge
United States District Court
Southern District of New York
40 Centre Street, Courtroom 706
New York, New York 10007

Re: Eneagua Lewis et al. v. City of New York, et. al.
04 CV 3696 (RMB) (KNF)

Your Honor:

I am an Assistant Corporation Counsel with the New York City Law Department assigned to the defense of the above-referenced case. I write on behalf of both parties to respectfully request an extension of forty-five days to complete discovery—until January 13, 2005.

I make this request for several reasons. First, upon my request, the Bronx County District Attorney's Office ordered the minutes from plaintiff's criminal trial as soon as the criminal trial was complete. We have not yet received those minutes and I am in the process of following up with the assigned Assistant District Attorney who requested those minutes. We assumed that we would have the minutes at this juncture, and, as such, scheduled the depositions of the defendant officers for November 21, 2005 and November 22, 2005. Plaintiff's counsel feels that he would be prejudiced to go forward at this time in the absence of the criminal court file/ District Attorney's file, minutes from the criminal proceeding, and the visitor's log or equivalent thereof for the date in question. An additional forty-five days would give the parties time to follow-up on these requests and reschedule these depositions.

Additionally, plaintiff's counsel has requested a copy of the visitor log from the correctional facility where this incident occurred in order to obtain the names of potential non-party witnesses. I have requested that log and was informed that the facility does not maintain a log. Instead, and as plaintiff attested to at her deposition, visitors complete cards which are physically maintained at the facility. The New York City Department of Correction is attempting to locate these cards which I will be providing to plaintiff's counsel upon receipt. Thus, an additional forty-five days would give the New York City Department of Correction time to locate these cards and the parties additional time to reach out to these individuals and subpoena them to appear for depositions if necessary.

Thank you for your consideration of this request.

Respectfully submitted,



Sheryl A. Bruzzese (SB 5680)
Assistant Corporation Counsel

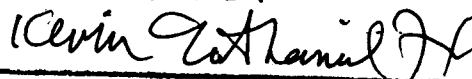
cc: The Honorable Richard M. Berman (BY ECF and HAND)
United States District Court Judge

David Zelman, Esq. (by fax 718-604-3074)
Attorney for Plaintiff

11/17/05

All discovery, of whatever nature, shall be initiated so as to be completed on or before January 9, 2006. No additional application to enlarge the time to complete discovery will be entertained. The settlement conference previously scheduled for December 8, 2005, will be held on January 12, 2006, at 2:30 p.m. If no dispositive motion is filed, the parties' joint pretrial order shall be submitted to the Court on or before February 3, 2006; and a final pretrial conference will be held on February 7, 2006, at 2:00 p.m., in Courtroom 519, 40 Centre Street, New York, New York.

SO ORDERED:



Hon. Kevin Nathaniel Fox
United States Magistrate Judge